IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISC. APPLICATION NO. 4498 OF 2005
IN
CRIMINAL REVISION APPLICATION NO. 49 OF 2003

Nikhil Merchant ...Applicant

Versus

Central Bureau of Investigation
and another ...Respondents

.....

Mr. Mahesh Jethmalani i/b Prakash & Co. Advocate for Applicant

Mr. Raja Thakre, Advocate for Respondent No.1.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 25TH JULY, 2005

P. C.:-

1. Heard both sides.

2. The applicant is seeking exemption from personal appearance before the trial Court i.e. Special Judge at Mumbai in Special Case No. 80 of 1998. The learned counsel for the respondent CBI on instructions states that there is no objection to the prayer being granted on the condition that the applicant remains present on the date when the charge is to be framed and the further condition that no adjournment will be sought for on the ground of

absence of the applicant. The said conditions are reasonable.

3. In view of the above, the applicant is granted exemption from personal appearance in Special Case No. 80 of 1998 including on 4.8.2005. However, on two weeks advance notice being given to the applicant in respect of framing of charge, he shall remain present before the Special Court on the date indicated by the Court.

4. It is also prayed that an early date for hearing and final disposal of Criminal Revision Application No. 49 of 2003 be fixed. In view of this prayer the office to place the revision on the final hearing board before the appropriate Bench in the week commencing from 8.8.2005.

5. Application is disposed of.

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